



European  
Social  
Charter

Charte  
sociale  
européenne



## – Georgia and the European Social Charter –

### Signatures, ratifications and accepted provisions

Georgia ratified the Revised European Social Charter 22/08/2005, accepting 63 of the Revised Charter's 98 paragraphs.

Georgia has not yet ratified the Additional Protocol providing for a system of Collective Complaints.

#### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3										

Grey = Accepted provisions

### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Georgia](#) in 2012, 2015 and 2021.

The Committee considers that there are no legal obstacles to acceptance by Georgia of Articles 2§3, 2§4, 2§6, 3§1, 3§2, 10§1, 10§3, 10§5, 15§1, 21, 22 and 24.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

# Monitoring the implementation of the European Social Charter <sup>1</sup>

## I. Reporting system <sup>2</sup>

### Reports submitted by Georgia

Between 2007 and 2024, Georgia has submitted 17 reports on the application of the Revised Charter.

The [16<sup>th</sup> report](#), which was submitted on 30/12/2022, concerns the accepted provisions relating to thematic group 4 "Children, families and migrants" (Articles 7, 8, 16, 17, 16, 19, 27 and 31).

Conclusions with respect to these provisions have been published in March 2024.

On 28 December 2023, an [ad hoc report on the cost-of-living crisis was submitted by Georgia](#)<sup>3</sup>.

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<sup>1</sup> The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>2</sup> Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

<sup>3</sup> In accordance with the [decision of the Ministers' Deputies](#) adopted on 27 September 2022 concerning the [new system](#) for the presentation of reports under the European Social Charter, the European Committee of Social Rights and the Governmental Committee have decided to request an *ad hoc* report on the cost-of-living crisis to all State parties.

## Situations of non-conformity <sup>4</sup>

### Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2020

► *Article 153 - Right to work - Free placement services*

It has not been established that employment services operate in an efficient manner.

► *Article 154 – Right to work – Vocational guidance, training and rehabilitation*

- The right to continuing vocational training for workers is not guaranteed;
- It has not been established that the right of persons with disabilities to vocational guidance and training is guaranteed.

► *Article 1052 - Right to vocational training – Apprenticeship*

It has not been established that an effective apprenticeship system exists.

► *Article 1054 – Right to vocational training – Long term unemployed persons*

- Special measures for the retraining and reintegration of the long-term unemployed have not been effectively provided or promoted;
- Equal treatment regarding access to training and retraining for the long-term unemployed is not guaranteed to nationals of other states parties lawfully resident in Georgia.

► *Article 1553 – Right of persons with disabilities to independence, social integration and participation in the life of the community – Integration and participation of persons with disabilities in the life of the community*

It has not been established that:

- persons with disabilities have effective access to housing;
- persons with disabilities have effective access to transport;
- persons with disabilities have effective access to communication technologies.

► *Article 20 –Right to equal opportunities and equal treatment in employment and occupation without sex discrimination*

- There is no explicit statutory guarantee of equal pay for women and men for equal work or work of equal value;
- The obligation to make measurable progress in reducing the gender pay gap has not been fulfilled.

### Thematic Group 2 "Health, social security and social protection" - Conclusions 2021

► *Article 1151 – Right to protection of health – Removal of the causes of ill-health*

- The measures taken to reduce infant and maternal mortality have been insufficient;
- It has not been established that the provision of healthcare is not subject to unnecessary delays.

► *Article 1152 – Right to protection of health – Advisory and educational facilities*

Measures for counselling and screening of pregnant women and children are not adequate.

► *Article 1153 – Right to protection of health – Prevention of diseases and accidents*

- It has not been established that adequate measures were taken to overcome environmental pollution;
- The measures taken to ensure access to safe drinking water in rural areas were insufficient;
- It has not been established that adequate measures were taken to prevent accidents.

► *Article 1251 – Right to social security – Existence of a social security system*

The right to social security is not guaranteed to all workers and their dependents.

### Thematic Group 3 "Labour rights" - Conclusions 2022

► *Article 251 – Right to just conditions of work – Reasonable working time*

There is no appropriate authority that supervises that daily and weekly working time limits are respected in practice.

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<sup>4</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 2§2 – Right to just conditions of work – Public holidays with pay*

Work performed on a public holiday is not adequately compensated.

► *Article 2§7 – Right to just conditions of work – Night work*

Night workers are not effectively subject to compulsory regular medical examination.

► *Article 4§3 – Right to a fair remuneration – Non-discrimination between women and men with respect to remuneration*

- There is no explicit legislative guarantee of equal pay for women and men for equal work or work of equal value;
- It has not been established that, in disputes on equal pay, the legislation authorises comparisons of remuneration across companies.

► *Article 4§4 – Right to a fair remuneration – Reasonable notice of termination of employment*

- The Labour Code does not set out different notice periods for the termination of contracts nor severance pay proportionate to the length of service;
- No notice period is provided where the termination of the employment contract is due to the initiation of liquidation proceedings when the employer is a legal entity.

► *Article 6§1 – Right to bargain collectively – Joint consultation*

- Joint consultation does not take place at several levels;
- Joint consultation does not cover all matters of mutual interest of workers and employers;
- Joint consultation does not take place in the public sector including the civil service.

► *Article 6§2 – Right to bargain collectively – Negotiation procedures*

- The promotion of collective bargaining is not sufficient;
- An employer may unilaterally disregard a collective agreement.

► *Article 6§4 – Right to bargain collectively – Collective action*

The police are denied the right to strike.

► *Article 26§1 – Right to dignity in the workplace – Sexual harassment*

The existing framework in respect of employers' liability does not provide for sufficient and effective remedies in cases of sexual harassment when third parties are involved.

► *Article 26§2 – Right to dignity in the workplace – Moral harassment*

The existing framework in respect of employers' liability does not provide for sufficient and effective remedies in cases of moral (psychological) harassment when third parties are involved.

► *Article 29 – Right to information and consultation in procedures of collective redundancy*

Domestic law makes no provisions for sanctions in case of non-compliance by the employer with their obligations in procedures of collective redundancies.

#### **Thematic Group 4 "Children, families, migrants" - Conclusions 2023**

► *Article 7§1 - Right of children and young persons to protection - Prohibition of employment under the age of 15*

- The prohibition of employment of children under the age of 15 is not guaranteed in practice in all forms of economic activity.
- Children under the age of 15 can work for 24 hours per week, during the school term, which is excessive and therefore, cannot be considered as light.

► *Article 7§3 - Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

The prohibition of employment for children subject to compulsory education is not guaranteed in practice.

► *Article 7§5 - Right of children and young persons to protection - Fair pay*

- The minimum wage paid to young workers is not fair;
- The allowances paid to apprentices are not adequate.

► *Article 7§10 – Right of children and young persons to protection - Special protection against physical and moral dangers*

- Not all forms of sexual exploitation of children are criminalised;
- A significant number of children are involved in child labour and hazardous work.

► *Article 8§4 - Right of employed women to protection of maternity - Regulation of night work*

Pregnant women, women who have recently given birth or are nursing who cannot perform night work and cannot be offered suitable alternative employment and are obliged to take leave are not entitled to 100% of their previous salary.

► *Article 8§5 - Right of employed women to protection of maternity - Prohibition of dangerous, unhealthy or arduous work*

Pregnant women, women who have recently given birth or who are nursing whose ordinary employment has been deemed unsuitable due to their condition and who cannot be offered suitable alternative employment and are obliged to take leave are not entitled to 100% of their previous salary.

► *Article 17§1 – Right of children and young persons to social, legal and economic protection - Assistance, education and training*

- Not all forms of corporal punishment are prohibited in all settings;
- Inspections in childcare institutions run by religious bodies are limited and children there are not sufficiently protected from violence and abuse.

► *Article 19§1 - Right of migrant workers and their families to protection and assistance - Assistance and information on migration*

Appropriate measures have not been taken against misleading propaganda in relation to emigration and immigration.

► *Article 19§4 - Right of migrant workers and their families to protection and assistance - Equality regarding employment, right to organise and accommodation*

- Migrant workers lawfully resident in the country are not treated equally to nationals with regard to accommodation;
- The right to equality regarding accommodation of migrant workers and their families is not subject to an effective mechanism of monitoring or judicial review.

► *Article 19§6 – Right of migrant workers and their families to protection and assistance – Family reunion*

- Social benefits are not included when assessing the income of the person requesting a permit for a member of his/her family;
- Accommodation requirements are so restrictive that they might prevent any family reunion;
- Family members of a migrant worker are not granted an independent right to stay after exercising their right to family reunion.

► *Article 19§10 - Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed*

The grounds of non-conformity under Articles 19§1, 19§2, 19§4, 19§6, 19§11 and 19§12 apply also to self-employed migrants.

► *Article 19§11 - Right of migrant workers and their families to protection and assistance - Teaching language of host state*

With the exception of migrants under international protection, the State does not adequately promote and facilitates the teaching of national language to all migrant workers and members of their families.

► *Article 27§2 - Right of workers with family responsibilities to equal opportunity and treatment - Parental leave*

The right to parental leave is not established as an individual right of each parent, a part of which is non-transferable.

The Committee also considered that the failure to provide requested information on Articles 7§5, 7§8, 17§1, 19§2, 19§6, 19§12, and 27§1 amounts to a breach by Georgia of its reporting obligations under Article C of the Charter.

**The Committee has been unable to assess compliance with the following provisions:**

**Thematic Group 1 "Employment, training and equal opportunities"**

- ▶ Article 1§1 - Conclusions 2020
- ▶ Article 1§2 - Conclusions 2020

**Thematic Group 2 "Health, social security and social protection"**

- ▶ Article 12§3 - Conclusions 2021
- ▶ Article 14§2 - Conclusions 2021

**Thematic Group 3 "Labour rights"**

- ▶ Article 4§2 - Conclusions 2022
- ▶ Article 5 - Conclusions 2022

**Thematic Group 4 "Children, families, migrants"**

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## **II. Examples of progress achieved in the implementation of rights under the Charter (non-exhaustive list)**

### **Thematic Group 1 “Employment, training and equal opportunities”**

► Law on the Elimination of All Forms of Discrimination, which was enacted by the Georgian parliament on 2 May 2014 and entered into force on 7 May 2014. Its purpose is to eliminate discrimination on various grounds including health and disability (Article 1). The law prohibits all discrimination, both direct and indirect (Articles 2 §2 and 2 §3), and also introduces the notion of positive action in the context of promoting gender equality and in certain specific cases involving, *inter alia*, disability.

### **Thematic Group 2 “Health, social security and social protection”**

► The launching of a Universal Healthcare Programme in February 2013, by virtue of which the personal coverage of health care has been significantly extended, from 29.5% of the population in 2010, to 100% after 2013. The Universal Healthcare Programme covers the basic package of planned and emergency in- and out-patient clinical care, including oncology and maternity services (see information provided under Article 11 of the National Report).

► The extension, in 2013, of paid maternity leave from 126 to 183 days (and from 140 to 200 days in case of complications) and the increase of minimum maternity benefits from GEL 600 to GEL 1000 (€382 at the rate of 31/12/2015).

### **Thematic Group 3 “Labour rights”**

► The provisions of the Labour Code with regard to collective redundancies were amended in 2020. According to the amended provisions, if the employer plans a mass dismissal, they are obliged to start consultations with trade union or workers’ representatives, within a reasonable time. Consultations should, at a minimum, include ways and means of preventing mass dismissals or reducing the number of employees to be dismissed, and the possibility of supporting laid-off employees to continue their employment or training. In addition, the employer is obliged to send a written notification to the relevant ministries including the Ministry of Labour, Health and Social Affairs, and to the employees whose employment contracts are terminated, at least 45 calendar days prior to the mass dismissal. The employer is also obliged to send a copy of the notification sent to the Ministry, to the trade union (or to the workers’ representative). The mass dismissal shall take effect 45 calendar days after the notification to the Ministry.

### **Thematic Group 4 “Children, families, migrants”**

► According to Article 27 of the Labour Code, as amended by Organic Law of Georgia No.1393/ 2013, an employee (at her request) shall be granted maternity and childcare leave of absence of 730 calendar days. 183 calendar days of maternity and childcare leave of absence shall be paid. 200 calendar days shall be paid in the event of pregnancy complication or multiple births.